

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ROBERT J. SYKES

V.

PUBLIC STORAGE, INC.

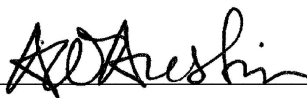
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A-08-CA-796-AWA

ORDER

Before the Court is Plaintiff's Motion for Directed Verdict, filed June 22, 2010 (Clerk's Doc. No. 37). In the motion, Plaintiff moves for a directed verdict on the liability issue of Plaintiff's breach of contract claim.¹ Under Rule 50, a court should render judgment as a matter of law when "a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue." FED. R. CIV. P. 50(a). As stated on the record, the Court **DENIES** the Motion. The Court finds that there are fact questions that must go to the jury on the issue of whether Public Storage breached the agreement between Public Storage and Robert Sykes.

SIGNED this 1st day of July, 2010.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE

¹Plaintiff also "requests application of the Discovery Rule." The discovery rule has no application to Plaintiff's breach of contract claim, which is the only live claim in this case. As for Plaintiff's conversion and DTPA claims, the Court has already ruled that the discovery rule does not apply as a matter of law when it granted Defendant's motion for directed verdict on those claims.